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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

VS. CASE NO. 3:21-cr-00440-M(3)

RICHARD SPEIGHTS, JR.

TRANSCRIPT OF ARRAIGNMENT HEARING
HEARD BEFORE THE HONORABLE RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

JANUARY 24, 2023

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P R O C E E D I N G S

(Call to order of the court.)

THE COURT: I'm going to ask you all to stand wherever the marshals direct while I call the last case scheduled on the docket this morning, and that is Case Number 3:21-cr-440-M, United States of America versus Richard Speights.

MR. KOBRE: Speights.

THE COURT: Speights?

THE DEFENDANT: Yes, ma'am. Speights.

THE COURT: And who's appearing for the Government?

MR. LOPEZ: On behalf of the United States, Carlos Lopez, Your Honor.

THE COURT: Thank you.

MR. KOBRE: Elisha Kobre and Lane Webster on behalf of Mr. Speights. Good morning, Your Honor.

THE COURT: Thank you.

And who is going to be leading?

MR. KOBRE: I will.

THE COURT: Mr. Speights, will you state your full name.

THE DEFENDANT: Richard Jack Speights, Jr.

THE COURT: And will you raise your right hand and be sworn.

(Whereupon, the oath was administered by the courtroom deputy.)

THE COURT: Mr. Speights, you're now under oath and

1 that means that if you give any false answers to any of my
2 questions, those answers may later be used against you in
3 prosecution for perjury or making a false statement. Do you
4 understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Sir, you have the right to proceed with
7 your proposed guilty plea before District Judge Barbara Lynn to
8 whom your case is assigned. You may, however, consent to enter
9 in your guilty plea before me, the magistrate judge.
10 Mr. Speights, it is your choice and, either way, it's going to
11 be Judge Lynn who sentences you. Do you understand that?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: In your case, I've received a written
14 consent to proceed before me, the magistrate judge, with your
15 guilty plea. I'm showing you that now.

16 Is that your signature on the consent?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Before you signed the consent, did you
19 discuss with one or both of your attorneys your right to
20 consent or not to consent to enter in your guilty plea before
21 me, the magistrate judge?

22 THE DEFENDANT: Yes, I did.

23 THE COURT: Do you understand your rights in that
24 regard?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: And do you give your consent, then, sir, to
2 proceed with your guilty plea before me, the magistrate judge?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Mr. Speights, then I find you've knowingly
5 and voluntarily waived your right to enter a guilty plea before
6 the district judge and consented to enter your guilty plea
7 before me, the magistrate judge.

8 How old are you, sir?

9 THE DEFENDANT: 52.

10 THE COURT: And in what year were you born?

11 THE DEFENDANT: '70.

12 THE COURT: How far did you go in school?

13 THE DEFENDANT: Four years of college.

14 THE COURT: Then you do read, write, and understand
15 English, correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Within the last six months, have you
18 received care or treatment for any mental health or physical
19 health condition?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Within the last six months, have you been
22 hospitalized or treated for addiction to drugs or for
23 alcoholism?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Do you suffer from any type of emotional or

1 mental disability?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Are you now under the influence of alcohol
4 or any kind of drug?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Sir, are you of sound mind and do you fully
7 understand what it is we're doing here today?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And is it your understanding that you're
10 here for the purpose of pleading guilty to Count 1 of the
11 Superseding Indictment in your case, which charges you with
12 conspiring to defraud the United States and to pay and receive
13 health care kickbacks?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Mr. Kobre, do you have any reason to
16 believe that Mr. Speights is not fully competent to enter in a
17 guilty plea?

18 MR. KOBRE: No, Your Honor.

19 THE COURT: And do you believe that the guilty plea
20 he's proposing to make will be a knowing and voluntary plea?

21 MR. KOBRE: I do.

22 THE COURT: Mr. Speights, this is also your first
23 initial appearance in the district court. So you have the
24 right to remain silent. You're not required to make a
25 statement. If you've already made a statement, you don't have

1 to say anything more, and if you start to make a statement, you
2 may stop at any time; however, any statement you make may later
3 be used against you. Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Sir, you also have the right to be
6 represented by an attorney at all stages of the defense in your
7 case -- I'm going to mention that to you again -- and you have
8 the right to have an attorney appointed to represent you if
9 you're unable to obtain one. Do you understand?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Any questions about that?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Okay. I am going to, then, proceed to
14 rearraignment on your case as well as all the other gentlemen
15 and Ms. Hernandez.

16 I need to be able to see Ms. Hernandez, so --
17 thank you. Thank you.

18 I'm going to proceed in each of your cases
19 together at first and that's because I'm going to give you all
20 some general instructions and explanations. These instructions
21 and explanations are kind of lengthy, and so by giving them to
22 you at the same time we save a little bit of time, but they do
23 apply equally in each of your cases.

24 Each of you may, if you choose, plead not
25 guilty to any offense charged against you or persist in a not

1 guilty plea if one has already been entered. And if you plead
2 not guilty, the Constitution of the United States guarantees
3 the following rights:

4 The right to a speedy and public trial by a
5 jury in this district;

6 The right at such trial for you to see, hear,
7 and cross-examine all witnesses against you;

8 The right to use the power and process of the
9 court to compel the production of any evidence, including the
10 attendance of any witnesses in your favor;

11 The right to have the assistance of an attorney
12 at all stages of your defense, and the right to have an
13 attorney appointed to represent you if you did not have one;

14 At such trial, you could not be forced or
15 compelled to testify. Whether you would testify is a matter in
16 which your judgment alone would control. And at such trial,
17 the United States would be required to prove your guilt beyond
18 a reasonable doubt before you could be convicted. And if you
19 were convicted, you would have the right to appeal your
20 conviction.

21 Mr. Speights, do you understand that you have
22 all the constitutional rights I've explained to you, sir?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: On the other hand, Ms. Hernandez and
25 gentlemen, if you plead guilty, there will not be a further

1 trial of any kind. So by pleading guilty, you will waive your
2 right to trial as well as all those rights associated with
3 trial that I've just explained to you except, of course, your
4 right to always be represented by an attorney.

5 Mr. Speights, do you understand?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Generally, a defendant who is accused of a
8 crime cannot plead guilty unless he or she is actually guilty
9 of that criminal offense. Also, in federal court, it is the
10 judge who determines the penalty if a defendant is convicted,
11 and that's whether that conviction comes upon that defendant's
12 guilty plea or the return of a guilty verdict by a jury.

13 Now, the court has not and will not talk to
14 anyone about the facts of your case except in open court where
15 you and your attorney and the representatives of the Government
16 are all present. But if you plead guilty, a presentence report
17 is going to be prepared by a probation officer to assist the
18 district judge in sentencing, and the district judge will go
19 over that presentence report with the probation officer outside
20 of your presence.

21 You will likely be asked to give information
22 for that presentence report, and your degree of cooperation
23 could be a factor in how severe your sentence is. And it's for
24 that reason that your attorney will be ordered to be present at
25 any interview you have with the probation officer. It is

1 through your attorney that you're going to receive a copy of
2 that presentence report well before your sentencing hearing and
3 have the opportunity to make comments on it and objections to
4 it. You should know that if you plead guilty, you will be
5 convicted, but you and your attorney will each be given the
6 opportunity to present any pleas and arguments for leniency at
7 sentencing to the district judge.

8 Now, the penalty will be determined on the
9 basis of the facts that are heard in court and so for that
10 reason, you should never depend or rely upon any statement or
11 promise by anyone, no matter who they are, as to what sentence
12 will be imposed.

13 Should you decide to plead guilty, your guilty
14 plea must not be induced or prompted by any promises, pressure,
15 threats, force, or coercion of any kind. That's because a
16 guilty plea must be purely voluntary, and so you should plead
17 guilty because you are guilty and for no other reason.

18 Mr. Speights, do you understand my explanations
19 about the process and consequences of pleading guilty?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Under the Sentencing Reform Act of 1984, as
22 construed by the United States Supreme Court, the United States
23 Sentencing Commission has issued advisory guidelines for judges
24 to consider in determining the appropriate sentences in federal
25 criminal cases.

1 Mr. Speights, have you discussed with one or
2 both of your attorneys the charges against you, the matter of
3 sentencing, and how the sentencing guidelines might apply in
4 your case?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Even so, Ms. Hernandez and gentlemen, I
7 must inform you that in determining the sentence, it is the
8 court's obligation to calculate the applicable sentencing
9 guideline range and to consider that range as well as any
10 possible departures under the sentencing guidelines and other
11 sentencing factors that are found at 18, United States Code,
12 Section 3553(a).

13 The court is not bound by facts that are
14 stipulated to by you and your attorney on the one hand and the
15 Government on the other. The court can impose punishment that
16 disregards stipulated facts or that takes into account facts
17 that are not stipulated to. And in that event, you might not
18 even be permitted to withdraw your guilty plea.

19 Now, the court will not be able to determine
20 what guideline range applies in your case until that
21 presentence report I mentioned earlier has been completed and
22 you, through your attorney, and the Government have had the
23 opportunity to make comments on it and objections to it. After
24 the court has determined what guideline range is appropriate
25 under the facts of your case, the court has the authority to

1 impose a sentence that is within, above, or below that
2 guideline range so long as the sentence imposed is reasonable
3 and based on the facts and the law.

4 You have the right to appeal the sentence the
5 court imposes unless you waive that right. Under some
6 circumstances, the Government also has the right to appeal.

7 You should also know that within the federal
8 system, parole has been abolished. That means that if you are
9 sentenced to a term of imprisonment, you will not be released
10 on parole.

11 Mr. Speights, do you understand what I've
12 explained about sentencing?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: At this time I am going to proceed in your
15 case separately. And for the attorney's benefit, I'm going --
16 benefits, I'm going to proceed in the order that I first called
17 the cases. And so at this time I'm going to ask everyone,
18 except Mr. Griffin and his attorney, to have a seat, please.

19 (Pause in proceedings.)

20 THE COURT: The Court calls Case Number 3:21-cr-440-M,
21 United States of America versus Speights.

22 Mr. Speights, do you have any questions about
23 anything at all we've covered before we took a break in your
24 case, sir?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: As mentioned previously, you're proposing
2 to plead guilty to Count 1 of the Superseding Indictment that
3 charges you with conspiracy -- conspiracy to defraud the United
4 States and to pay and receive health care kickbacks, correct?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Let me state for record purposes that
7 pursuant to Rule 5(f)(1) of the Federal Rules of Criminal
8 Procedure, the United States and its counsel are ordered to
9 comply with their disclosure obligations under
10 *Brady v. Maryland*, 373 United States 83, in the year 1963 and
11 its progeny. Failure to do so may result in the dismissal of
12 charges, exclusion of evidence, adverse jury instructions, and
13 contempt proceedings or other appropriate sanctions.

14 Mr. Speights, did you see a copy of that
15 Superseding Indictment?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And discuss it with your attorney?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Did you read over the charges as well?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you know what you're charged with, then,
22 by Count 1 of the Superseding Indictment?

23 THE DEFENDANT: I do.

24 THE COURT: At this point, sir, it would be appropriate
25 to have the charge read aloud here in court, but you may waive

1 the reading if you choose. Would you like to have the charge
2 read aloud or to waive the reading?

3 THE DEFENDANT: Waive.

4 THE COURT: You also have the right to have explain to
5 you the essential elements of that offense, the essential
6 elements being what the Government would be required to prove
7 beyond a reasonable doubt before you could be convicted of that
8 offense.

9 If you would look at the document titled
10 Factual Résumé in your case that was filed on January 13th of
11 this year. Those elements are set out on Pages 1, 2, and 3.
12 I'm going to ask you to read -- review those elements and to
13 let me know when you're done.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Having reviewed them again, do you
16 understand what the elements of the offense to which you're
17 proposing to plead guilty are?

18 THE DEFENDANT: I do.

19 THE COURT: And do you admit that as to the charge
20 against you in Count 1 of the Indictment, each of those
21 essential elements -- of the Superseding Indictment, each of
22 those essential elements is satisfied by the evidence of your
23 conduct and/or the conduct of another or others for whom you
24 are criminally responsible?

25 THE DEFENDANT: I do.

1 THE COURT: Sir, you are appearing here today with
2 Mr. Kobre and -- Mr. Besen?

3 MR. WEBSTER: Webster.

4 THE COURT: Webster. Okay.

5 Is there a third attorney?

6 MR. KOBRE: There is a third attorney.

7 THE COURT: Okay. Mr. Webster and Mr. Besen as your
8 attorneys -- are your attorneys. Have you been fully satisfied
9 with the representation and advice you received from each of
10 them in this case?

11 THE DEFENDANT: I am.

12 THE COURT: Mr. Speights, do you have in front of you
13 copies of -- in addition to the Factual Résumé, copies of the
14 Plea Agreement and the Plea Agreement Supplement filed in this
15 case?

16 THE DEFENDANT: I do.

17 THE COURT: Also, on January 13th.

18 MR. KOBRE: Your Honor, we have the Plea Agreement but
19 not the supplement.

20 THE COURT: Okay.

21 MR. KOBRE: I apologize, Your Honor.

22 THE COURT: That's okay. I'm going to show you my copy
23 of the Plea Agreement Supplement. And specifically, the last
24 two pages.

25 Are those your signatures on the Plea Agreement

1 Supplement, Mr. Speights?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Okay. And have you seen the Plea Agreement
4 Supplement before? Can you confirm that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Additionally, I'm going to ask you to look
7 at the signature page, Page 9, of the Plea Agreement.

8 Is that your signature?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And would you look, also, at the Factual
11 Résumé, the last page, Page 12, that we just went over a few
12 moments ago.

13 Is that your signature?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And before signing each of those documents,
16 did you read each of them in its entirety and discuss each one
17 with your attorneys -- or attorney?

18 THE DEFENDANT: I did, yes, ma'am.

19 THE COURT: Then, do you know and understand everything
20 that's stated in the Factual Résumé, the Plea Agreement, and
21 the Plea Agreement Supplement?

22 THE DEFENDANT: I do.

23 THE COURT: In your Plea Agreement, if you would look
24 at Page 3, there is a paragraph that starts on that page titled
25 Restitution, and it continues on Pages 4 and 5. And it sets

1 out your agreement to pay restitution in this case.
2 Importantly, that it -- your agreement to pay restitution
3 includes an agreement to pay restitution for all loss for the
4 offense of conviction as well as any relevant conduct. Is that
5 your understanding?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you understand the provisions that
8 are set out there on Pages 3, 4, and 5 governing your agreement
9 to pay restitution?

10 THE DEFENDANT: I do.

11 THE COURT: Importantly, on Page 5, there's also a
12 paragraph that's titled Exclusion from Medicare and other
13 Federal Health Care Programs, and it indicates that you -- your
14 understanding that you will be excluded from Medicare,
15 Medicaid, and all federal health care programs upon conviction.
16 Do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And do you have any questions about that?

19 THE DEFENDANT: I do not.

20 THE COURT: If you would go to Page 6 toward the
21 bottom, in particular -- and on Page 7, there's a paragraph
22 titled Waiver of Right to Appeal or Otherwise Challenge
23 Sentence in which you're doing basically that, agreeing to
24 waive your right to appeal and to otherwise challenge your
25 sentence and conviction in this case except under the very

1 limited circumstances that are specified in the third and last
2 line of that paragraph in which you specifically reserve the
3 right to bring a direct appeal of a sentence that exceeds the
4 statutory maximum punishment or is based on mathematical error
5 at sentencing and to challenge the voluntariness of the guilty
6 plea you're proposing to make today in this waiver we're
7 discussing at this moment and to bring a claim of ineffective
8 assistance of counsel. But again, importantly, that you are
9 agreeing to waive your right to appeal and to otherwise
10 challenge your sentence and conviction in this case in all
11 other respects.

12 Is that your understanding of that provision?

13 THE DEFENDANT: It is, Your Honor.

14 THE COURT: When you were discussing that provision
15 with one or more of your attorneys, did they explain to you the
16 rights the law gives you to appeal and to otherwise challenge
17 your sentence and conviction in this case?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you understand your rights in that
20 regard?

21 THE DEFENDANT: I do.

22 THE COURT: And do you agree to waive or give them up
23 to the extent it states in that paragraph of your Plea
24 Agreement?

25 THE DEFENDANT: I do.

1 THE COURT: Mr. Speights, are all the terms of your
2 agreement with the Government set out in the written Plea
3 Agreement and Plea Agreement Supplement?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Did you voluntarily and of your own free
6 will enter into the plea agreement and plea agreement
7 supplement?

8 THE DEFENDANT: I did.

9 THE COURT: Other than the written Plea Agreement and
10 Plea Agreement Supplement, has anyone made any promise or
11 assurance to you of any kind in an effort to induce you to
12 plead guilty?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Has anyone mentally, physically, or in any
15 other way attempt to force you to plead guilty?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Do you understand that if your guilty plea
18 is accepted, you'll be found guilty of the offense charged by
19 Count 1 of the Superseding Information and that your punishment
20 for that offense will be assessed somewhere within the range of
21 punishment provided by law?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Are you a citizen of the United States,
24 sir?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Then you should understand because you're
2 proposing to plead guilty to a felony offense, that conviction
3 of a felony may deprive you of valuable rights of citizenship,
4 including the right to vote, to hold public office, to serve on
5 a jury, and to possess any kind of firearm or ammunition. Do
6 you understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: In addition to that, your plea agreement
9 sets out on Page 2 the maximum penalties the court can impose
10 in your case. I know you reviewed it once, but I'm going to
11 ask you to take a look at that again here in court.
12 Paragraph 3. And let me know when you've had time to review
13 again, sir.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you -- do you know and understand the
16 maximum penalties the court can impose in your case as are
17 stated there?

18 THE DEFENDANT: I do.

19 THE COURT: Do you understand that if you plead guilty
20 to Count 1 of the Superseding Information, you are subject to
21 all of those penalties and consequences stated there?

22 THE DEFENDANT: I do.

23 THE COURT: Do you also understand that if the sentence
24 you receive is more severe than you expect, you'll still be
25 bound by your guilty plea and you'll have no right to withdraw

1 it on that basis?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: The plea agreement with the Government does
4 contemplate that the Government will dismiss or not pursue
5 other pending charges against you upon sentencing. For that
6 reason, Judge Lynn has to determine whether to accept that plea
7 agreement. If Judge Lynn does not accept your plea agreement
8 with the Government, you will be permitted to withdraw any
9 guilty plea you enter today pursuant to that plea agreement and
10 change it to not guilty. You'll be given that choice.

11 Do you have any questions about that?

12 THE DEFENDANT: I do not.

13 THE COURT: Do you have any questions about anything at
14 all, sir, we have covered up to this point?

15 THE DEFENDANT: I do not, Your Honor.

16 THE COURT: Mr. Speights, how do you plead, then, to
17 Count 1 of the Superseding Indictment? Guilty or not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: Mr. Kobre, is Mr. Speights' guilty plea
20 consistent with your legal advice?

21 MR. KOBRE: Yes, it is.

22 THE COURT: Then, Mr. Speights, I will recommend that
23 Judge Lynn accept your guilty plea on the condition that
24 there's a factual basis to support it, and, again, in your case
25 that factual basis is supplied by the stipulated facts on

1 Pages 3 through 11 of the Factual Résumé that we've been
2 discussing here.

3 Would you look at those stipulated facts on
4 Pages 3 through 11? And let me know when you've had a chance
5 to re-review those.

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: After taking the time to, again, review the
8 stipulated facts section, are you satisfied that you know and
9 understand everything that's stated there?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: At this time it would be appropriate to
12 have the stipulated facts read aloud here in court, but you may
13 waive the reading if you choose. Would you like to have the
14 stipulated facts read aloud or to waive the reading?

15 THE DEFENDANT: Waive.

16 THE COURT: Do you admit that the stipulated facts in
17 the Factual Résumé are true?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Mr. Kobre, are the stipulated facts in the
20 Factual Résumé consistent with the true facts as you understand
21 them?

22 MR. KOBRE: Yes, they are.

23 THE COURT: Then, Mr. Speights, based on my review
24 earlier of those stipulated facts and my satisfaction with the
25 responses given during this hearing, I find that you are fully

1 competent and capable of entering an informed plea and that
2 your guilty plea to the offense charged by Count 1 of the
3 Superseding Indictment is a knowing and voluntary plea
4 supported by an independent basis in fact containing each of
5 the essential elements of the offense charged by Count 1 of the
6 Superseding Information; and, therefore, sir, I am recommending
7 that Judge Lynn accept your guilty plea and pronounce you
8 guilty of that offense.

9 I'm making that recommendation in a written
10 report that will be filed today. And so you have 14 days from
11 today to file any objection to my written report.

12 Sir, you are scheduled to be sentenced by
13 Judge Lynn on May 26th at 9:00 a.m., and the deadline for
14 issuing the presentence report in your case is April 4th.

15 Have you all received a copy of the pretrial
16 services officer's report in this case?

17 MR. KOBRE: We have, Your Honor.

18 MR. LOPEZ: The Government has, Your Honor, as well.

19 THE COURT: Is the Government objecting to release on
20 conditions or moving to detain?

21 MR. LOPEZ: No, Your Honor. The Government's not
22 making any objections to the recommendation but is adding one
23 that has -- and spoken to defense counsel about it.

24 THE COURT: You're requesting that a condition be
25 added?

1 MR. LOPEZ: Yes, ma'am. Yes, Your Honor.

2 THE COURT: What is that?

3 MR. LOPEZ: The condition that we're requesting is that
4 the Defendant not speak with his -- or have contact with his
5 co-defendants in this matter.

6 THE COURT: I've already plan to include that.

7 Mr. Speights, the Government is not seeking to
8 detain you. And based on that and the fact that -- the facts
9 of the pretrial services report, I am going to enter an order
10 setting conditions of release in your case. Those conditions
11 will include that you must not violate any federal, state, or
12 local law while on release;

13 That you must appear in court as required,
14 specifically on May 26th at 9:00 a.m.;

15 And that it's further directed that if you are
16 convicted in this case and sentenced to a term of imprisonment,
17 that you must surrender to serve the sentence imposed by the
18 court as directed;

19 That you must submit to supervision by and
20 report for supervision to the pretrial services officer.
21 Although you will be supervised where you live, you'll report
22 to a supervise -- to a pretrial officer here first. And so
23 that will be today.

24 You are to surrender any passport to the U.S.
25 district clerk for this court. Do you have it with you by any

1 chance?

2 THE DEFENDANT: It's at my hotel.

3 THE COURT: I'm going to order that you surrender that
4 passport by 4:00 p.m. tomorrow.

5 That you not obtain another passport or any
6 other -- or type of international travel document;

7 That your travel will be restricted to the
8 continental United States;

9 That you are to avoid all contact, directly or
10 indirectly, with any person who may be a victim or witness in
11 the investigation or prosecution of this case, including the
12 co-defendants. Those are the, of course, the other defendants
13 named in the indictment with you;

14 You are to -- not to possess a firearm,
15 destructive device, or other weapons;

16 You may not use alcohol excessively;

17 You may not use or possess any controlled
18 substance or narcotic drug that has not been prescribed for you
19 by your health care practitioner;

20 And, also, you may not use any synthetic or
21 natural substances to alter mood or cognitive ability, such as
22 CBD and hemp oils or products;

23 You must submit to testing for the use of
24 prohibited substance required by the pretrial services officer;

25 And you must not obstruct, or attempt to

1 obstruct, or tamper with the efficiency or accuracy of
2 prohibitive substance screen or testing;

3 You're to report as soon as possible to the
4 pretrial services officer every contact you have with law
5 enforcement personnel, that would include arrest, questioning,
6 traffic stops whether or not you are issued a citation;

7 You are -- will not, directly or indirectly, be
8 on Medicare or Medicaid or any other federal health care
9 program.

10 I'm going to hand down this order setting
11 conditions of release for you to go over with your attorney
12 and -- or attorneys to the point that you understand the
13 conditions under which I'm releasing you and agree to abide by
14 them. There's a place on the fourth and last page for you to
15 sign indicating that. Also, on that page is an advice of
16 sanctions -- section that indicates the consequences of failing
17 to abide by the order setting conditions of release. You'll
18 have to memorize them. You'll get a -- a copy, but I'm
19 alerting that it states it there.

20 And if you gentlemen would just let me know
21 when you're ready.

22 MR. KOBRE: Thank you, Judge.

23 Your Honor, just two -- two small questions.
24 One is with respect to the surrender of the passport, that's to
25 the clerk's office?

1 THE COURT: Yes.

2 MR. KOBRE: And -- and, second of all, Mr. Speights
3 does possess some firearms right now. If he can have just some
4 time. He, obviously, you know, possess them but it may take
5 some time for him to...

6 THE COURT: How much time? Because I figured you could
7 just call someone and be ready to transfer those to them before
8 you get back to your home. How much time is it going to take?

9 THE DEFENDANT: I'm driving home today. I can give it
10 to my friends or whatever.

11 MR. KOBRE: Okay. Then we signed the -- the...

12 THE COURT: Mr. Speights, I received back the order
13 setting conditions of release in your case, and it appears
14 you've now signed on the fourth and last page. Is that your
15 signature I'm showing you, sir?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Before you signed the order setting
18 conditions of release, did you have enough time to go over it
19 with your attorney?

20 THE DEFENDANT: I did.

21 THE COURT: Do you understand the conditions under
22 which I'm releasing you?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And do you agree to abide by those
25 conditions?

1 THE DEFENDANT: I do.

2 THE COURT: Although, as I mentioned, it's contained in
3 the order itself, I am required to advise you here in court
4 that failing to appear in court as required is a crime for
5 which you may be sentenced to imprisonment. It's a separate
6 criminal offense than what you've already been charged with or
7 pled guilty to.

8 If you violate any condition of release, a
9 warrant for your arrest may be issued and you may be jailed
10 pending your sentencing or any other further proceedings in
11 this case and also prosecuted for contempt of court.

12 Committing a crime while on release may lead to
13 more severe punishment than if you had committed the very same
14 offense when you were not under an order of pretrial release.
15 So it can act as an enhancement to the punishment for any
16 future offense.

17 It is a crime to try to influence, threaten,
18 attempt to bribe, retaliate against any juror or witness or
19 other person that may have information about this case, or to
20 otherwise obstruct the administration of justice.

21 Sir, do you understand the consequences of
22 failing to abide by the order setting conditions of release?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Then I am signing this order setting
25 conditions of release and ordering that you be released after

1 processing by the United States Marshals Service on this floor,
2 in their offices before you leave the courthouse. I'm
3 specifically ordering you not to leave the courthouse before
4 you have been processed by the United States Marshals on the
5 16th floor, of this floor of the courthouse.

6 And, again, there is a pretrial services
7 officer who's going to give you some preliminary reporting
8 instructions and how to report in your home division.

9 Is there anything else that we should take up
10 in Mr. Speights' case today?

11 MR. KOBRE: Not from the defense.

12 MR. LOPEZ: Not from the Government. Thank you, Your
13 Honor.

14 THE COURT: Then, Mr. Speights, that concludes your
15 hearing today, sir. Good luck to you.

16 And the attorneys and you are excused.

17 COURT SECURITY: All rise.

18 (WHEREUPON, the proceedings were adjourned.)

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REPORTER'S CERTIFICATE

I, Thu Bui, CRR, RMR, Official Court Reporter,
United States District Court, Northern District of Texas, do
hereby certify that the foregoing is a true and correct
transcript, to the best of my ability and understanding, from
the record of the proceedings in the above-entitled and
numbered matter.

/s/ Thu Bui
Official Court Reporter